IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 956 OF 1995

Mohanraj M. Chandalia & Anr. ... Plaintiffs.

V/s.

Britannia Industries Ltd. & Ors. ... Defendants.

Mr. Narendra Jain i/by Mr. S. K. Jain for the plaintiffs.

CORAM : ANOOP V. MOHTA,J.

DATED : 6th June, 2007

P.C.

The suit is filed for declaration that the plaintiffs are the owners of the suit share and for other consequential reliefs. Though served the contesting defendant Nos.1, 4 and 5 did not file written statements. The learned counsel for the plaintiff submits that the defendant No.2 and 3 are the formal parties. On instructions, he seeks to deal them now. The permission is granted.

2. The matter is listed under the caption of "undefended suit". None appeared for the defendants. The plaintiffs have filed affidavit of evidence dated 30th March, 2007 alongwith the original documents and the list of documents. These documents are marked as

exhibit P-1 collectively. The facts stated in the plaint as well as affidavit remained uncontroverted. The contents of the documents, therefore, also remained uncontroverted. There is no objection to these documents of any kind for want of any opposition from the contesting defendants.

3. The cause of action arose in the present suit has averred as on 11/11/1994. The suit is dated 7th March, 1995. The suit is also within a limitation.

4. In similar suit between the plaintiff and defendants, this court by order dated 20th September, 2003 granted the same relief.

5. By order dated 25th February 1997, the notice of Motion No. 1007 of 1995 in the present suit this court has granted ad-interim reliefs in terms of prayer clauses (c) and (d) which are also in existence till this date.

6. In the above circumstances, the suit is decreed in terms of prayer clauses (a) to (e),(k) and (l)

[ANOOP V. MOHTA, J.]